

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSEPH MARINO	:	
	:	
v.	:	CIVIL ACTION
	:	
	:	NO. 02-cv-4488
KENT LINE INTERNATIONAL d/b/a	:	
VOYAGEUR SHIPPING LTD.	:	
and	:	
SLS, INC. d/b/a HOLT OVERSIGHT AND	:	
LOGISTICAL TECHNOLOGIES	:	
and	:	
INCHCAPE SHIPPING	:	

**DEFENDANT INCHCAPE SHIPPING'S MOTION FOR LEAVE TO AMEND ITS  
ANSWER TO COMPLAINT TO ADD A CROSS-CLAIM**

Defendant Inchcape Shipping, by and through its attorneys, Rawle & Henderson, moves this Honorable Court pursuant to Federal Rule 15(a) of the Federal Rules of Civil Procedure for leave to file its Answer to Plaintiff's Complaint. In support of this Motion, Inchcape Shipping states:

1. On July 17, 2002, Inchcape filed its Answer to Plaintiff's Complaint. At the time, Inchcape anticipated that Kent Line would take over its defense, and thus no cross-claim against Kent Line International was filed. A cross-claim was filed against SLS.
2. Kent Line International has declined Inchcape Shipping's tender of defense.
3. Inchcape is therefore defending the claim, but desires to add a cross-claim including indemnity against Kent Line International.

4. Although the deadline pursuant to this Court's Scheduling Order has passed related to amending pleadings, this amendment is being sought in good faith and will not cause prejudice. Movant seeks relief as there will be no prejudice to any party, and no delay in compliance with the Court's Scheduling Order.

5. Counsel for Inchcape has spoken with counsel for Kent Line, and has been advised that Kent Line does not oppose this Motion.

6. Accordingly, a true and correct copy of the proposed Amended Answer to Plaintiff's Complaint with Cross-claim is attached as Exhibit "A."

WHEREFORE, Inchcape Shipping respectfully requests that the Court grant this Motion to Amend, deem the amended Answer to Plaintiff's Complaint with Cross-claim filed with the Court, and direct Kent Line International to respond pursuant to the Federal Rules of Civil Procedure.

Respectfully submitted,

RAWLE & HENDERSON LLP

By: \_\_\_\_\_  
Carl D. Buchholz, III, Esquire  
Ann-Michele G. Higgins, Esquire  
The Widener Bldg., 16th Floor  
One S. Penn Square  
Philadelphia, PA 19107  
(215) 575-4200  
Attorney for Defendant,  
Inchcape Shipping

DATED: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of defendant Inchcape Shipping's Motion for Leave to Amend its Answer to Complaint to add a Cross-Claim, was sent via U.S. first class mail, postage pre-paid to the following counsel and/or parties of record:

Thomas More Holland, Esquire  
Law Offices of Thomas More Holland  
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**Attorney for Plaintiff**

A. Robert Degen, Esquire  
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2000 Market Street, Tenth Floor  
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Faustino Mattioni, Esquire  
Mattioni, Ltd.  
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Philadelphia, PA 19106-2138

RAWLE & HENDERSON LLP

By: \_\_\_\_\_  
Anne A. Cave

The Widener Building  
One South Penn Square  
Philadelphia, PA 19107  
(215) 575-4200

DATED: \_\_\_\_\_

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LOGISTICAL TECHNOLOGIES	:	
and	:	
INCHCAPE SHIPPING	:	

**ORDER**

AND NOW, this                      day of                      , 2003, it is hereby ordered and decreed that Defendant Inchcape Shipping's Motion for Leave to Amend its Answer to Complaint to Add a Cross-claim be GRANTED, that Inchcape's Amended Answer to Plaintiff's Complaint with Cross-claim is deemed filed and that Kent Line International respond pursuant to the Federal Rules of Civil Procedure.

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J.